

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ERVIN LARRY SMITH,

Petitioner,

v.

ORDER

OREGON BOARD OF PAROLE AND
POST-PRISON SUPERVISION,

Civil No. 05-1364-PK

Respondent.

HAGGERTY, Chief Judge:

Magistrate Judge Papak referred to this court a Findings and Recommendation [44] in this matter. The Findings and Recommendation recommends denying the Petition for Writ of Habeas Corpus [1], and entering judgment dismissing this case with prejudice. Petitioner filed timely objections to the findings on his ex post facto and due process claims, relying on the same arguments that were presented to Judge Papak.

When a party objects to any portion of a Findings and Recommendation, the district court must conduct a de novo review. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Here, the court has performed a de novo review, evaluated the Findings and Recommendation, the objections, and the entire record. After this review, the court adopts the Findings and Recommendation.

The court adopts the Findings and Recommendation [44]. The Petition for Writ of Habeas Corpus [1] is DENIED.

IT IS SO ORDERED.

DATED this 6th day of November, 2007.

/s/ Ancer L. Haggerty

Ancer L. Haggerty
United States District Judge